

Message Text

PAGE 01 STATE 120639

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FM SECSTATE WASHDC
TO USLO PEKING

C O N F I D E N T I A L STATE 120639

STADIS////////////////////////////////////

E.O. 11652: GDS

TAGS: SCUL, CH

SUBJECT:CHINESE ARCHEOLOGICAL EXHIBIT: EXCHANGE OF LETTERS

REF: PEKING 0762

FOLLOWING INSTRUCTIONS REFER TO PROPOSED EXCHANGE OF
LETTERS BETWEEN THE PRC VICE FOREIGN MINISTER AND CHIEF
USLO. INSTRUCTIONS ON PROTOCOL AND "ORAL AGREEMENTS"
FOLLOW IN SEPTELS.

1. YOU SHOULD REQUEST MEETING WITH CHINESE TO DISCUSS
DRAFTS OF LETTERS TO BE EXCHANGED.

2. YOU SHOULD SAY THAT WE AGREE TO FORMAT IN WHICH PRC
VICE FONMIN AND CHIEF USLO EXCHANGE LETTERS FOLLOWING
WHICH PROTOCOL IS SIGNED BY SPONSORING ORGANIZATIONS OF
BOTH SIDES. WITH LETTERS, WE ASSUME THAT PRC WILL HAND
OVER LETTER IN CHINESE, WE WILL RESPOND WITH LETTER OF
CONFIRMATION WHICH CONTAINS ENGLISH TRANSLATION OF CHINESE
LETTER. IN CASE OF PROTOCOL WE ANTICIPATE TWO EQUALLY
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PAGE 02 STATE 120639

AUTHENTIC TEXTS, EACH TO BE SIGNED BY BOTH SIDE'S
REPRESENTATIVES.

3. YOU MAY SAY THAT WE ARE IN AGREEMENT WITH THE SUBSTANCE
OF THE DRAFT LETTER PROVIDED BY THE PRC. HOWEVER, WE HAVE

PROPOSED SOME CHANGES TO THEIR TEXT. OUR STYLISTIC OR

TRANSLATION CHANGES WHICH DEPART FROM THE PRC ENGLISH LANGUAGE TEXT ARE DESIGNATED BY BRACKETS. IN OUR OPINION THESE CHANGES WOULD NOT REQUIRE ANY ALTERATION IN THE CHINESE LANGUAGE TEXT AS ALREADY PRESENTED BY THE PRC. THE CHANGES WE PROPOSE WHICH WOULD REQUIRE CHANGES OR ADDITIONS TO THE CHINESE CHARACTER TEXT ARE UNDERLINED. THESE LATTER ALTERATIONS, WE BELIEVE, APPRECIABLY CLARIFY THE TEXT AND PROVIDE GREATER PROTECTION FOR THE PRC. FYI: IN ADDITION, WE DO NOT PLAN TO BUY PRIVATE INSURANCE FOR THE EXHIBITION. IF LOSS OR DAMAGE OCCURS, A CONGRESSIONAL APPROPRIATION WILL BE REQUIRED. THEREFORE IT IS DESIRABLE THAT THE AGREEMENT PROVIDE A GREATER DEGREE OF PRECISION WITH REGARD TO SUCH QUESTIONS AS WHEN LIABILITY PASSES FROM CANADA TO THE U.S. AND FROM THE U.S. BACK TO THE PRC. END FYI.

4. FOLLOWING IS TEXT OF PRC LETTER INCORPORATING CHANGES WE ARE RECOMMENDING.

BEGIN TEXT EXCELLENCY,

WHEN DR. HENRY KISSINGER, ASSISTANT TO THE PRESIDENT OF THE UNITED STATES BEGIN BRACKET OF AMERICA END BRACKET ON NATIONAL SECURITY AFFAIRS, WAS ON A VISIT TO THE PEOPLE'S REPUBLIC OF CHINA IN FEBRUARY, 1973, HE EXPRESSED TO THE CHINESE GOVERNMENT THE HOPE THAT THE EXHIBITION OF ARCHEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA WOULD BE HELD IN THE UNITED STATES. I HAVE THE HONOR TO INFORM YOUR EXCELLENCY THAT, WITH A VIEW TO PROMOTING UNDERSTANDING AND FRIENDSHIP BETWEEN THE CHINESE AND AMERICAN PEOPLES, THE CHINESE GOVERNMENT BEGIN BRACKET IS AGREEABLE END BRACKET TO THE HOLDING OF THIS EXHIBITION IN THE TWO CITIES OF WASHINGTON, D.C., AND KANSAS CITY, MISSOURI, FROM DECEMBER 8, 1974 TO , 1975, BEGIN UNDERLINE SUBJECT TO THE FOLLOWING POINTS WHOSE PURPOSE IS TO ENSURE THE COMPLETE SUCCESS OF THE EXHIBITION: CONFIDENTIAL

PAGE 03 STATE 120639

POINT ONE: THE EXHIBITION OF THE ARCHEOLOGICAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA SHALL BE HELD AT THE NATIONAL GALLERY OF ART IN WASHINGTON, D.C., AND AT THE NELSON GALLERY-ATKINS MUSEUM IN KANSAS CITY, MISSOURI, FROM DECEMBER 8, 1974 TO AND FROM TO , 1975. END UNDERLINE.

POINT TWO: THE BODY RESPONSIBLE FOR THE EXHIBITION ON THE CHINESE SIDE IS THE COMMITTEE FOR THE ORGANIZATION OF EXHIBITIONS OF ARCHEOLOGICAL FINDS BEGIN UNDERLINE OF THE PEOPLE'S REPUBLIC OF CHINA. THE BODY RESPONSIBLE FOR THE EXHIBITION OF THE UNITED STATES IS THE "U.S. COMMITTEE FOR THE CHINESE EXHIBITION" OF THE NATIONAL GALLERY OF ART OF THE UNITED

STATES OF AMERICA. THESE TWO BODIES SHALL SIGN SPECIFIC ARRANGEMENTS AS MAY BE AGREED FOR THE HOLDING OF THE EXHIBITION. END UNDERLINE

POINT THREE: ANNEX A CONTAINS A LIST OF THE BEGIN UNDERLINE EXHIBITS, CONSISTING OF OBJECTS, AND AUXILIARY EXHIBITS SUCH AS PHOTOGRAPHS AND DOCUMENTS. END UNDERLINE INDIVIDUAL VALUATIONS OF THE OBJECTS AND BEGIN UNDERLINE GROUP VALUATIONS OF THE AUXILIARY EXHIBITS END UNDERLINE ARE LISTED IN ANNEX B. THESE ANNEXES SHALL NOT BE SUBJECT TO MODIFICATION EXCEPT WITH THE CONSENT OF THE BODIES RESPONSIBLE FOR THE EXHIBITION ON BOTH SIDES. (COMMENT: WE TRANSLATE ZHAN PIN AS EXHIBIT; OBJECT AS WEN WU. END COMMENT)

POINT FOUR: THE UNITED STATES GOVERNMENT GUARANTEES JUDICIAL AND ADMINISTRATIVE BEGIN BRACKET IMMUNITY END BRACKET FOR THE EXHIBITS LISTED IN ANNEX A WHILE THEY ARE IN BEGIN UNDERLINE THE TERRITORY OF END UNDERLINE THE UNITED STATES. THE UNITED STATES SIDE SHALL ADOPT COMPREHENSIVE MEASURES TO ENSURE THE SECURITY OF THE EXHIBITS AFTER THEIR ENTRY INTO THE TERRITORY OF THE UNITED STATES AND TO FACILITATE THE SMOOTH HANDLING OF THE EXHIBITION. (COMMENT: WE HAVE ADDED THESE WORDS TO PROVIDE UNIFORMITY WITH THE REFERENCE TO THE U.S. IN THE SECOND SENTENCE OF THIS PARAGRAPH. END COMMENT)

CONFIDENTIAL

PAGE 04 STATE 120639

POINT FIVE: THE EXHIBITS SHALL BE HANDED OVER BY A REPRESENTATIVE OF THE CHINESE GOVERNMENT TO A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT IN TORONTO BEGIN UNDERLINE ON OR ABOUT NOVEMBER , 1974. AFTER THE CLOSE OF THE EXHIBITION IN THE UNITED STATES, THE EXHIBIT SHALL BE PACKED AND READY FOR RETURN TO CHINA ON OR BEFORE, 1974. THE EXHIBITS SHALL BE TRANSPORTED TO PEKING AND HANDED OVER IN PEKING BY A REPRESENTATIVE OF THE UNITED STATES GOVERNMENT TO A REPRESENTATIVE OF THE CHINESE GOVERNMENT ON OR ABOUT , 1975 END UNDERLINE. THE PROCEDURE FOR HANDING OVER THE OBJECTS SHALL BE DETERMINED BETWEEN THE BODIES RESPONSIBLE FOR THE EXHIBITION ON THE TWO SIDES.

POINT SIX: BEGIN UNDERLINE IN THE EVENT THAT ANY OBJECT BECOMES A TOTAL LOSS DURING THE PERIOD SUBSEQUENT TO LOADING ON THE AIRCRAFT AT TORONTO AIRPORT AND PRIOR TO BEING HANDED BACK IN PEKING TO A REPRESENTATIVE OF THE CHINESE GOVERNMENT, THE UNITED STATES GOVERNMENT SHALL INDEMNIFY THE CHINESE GOVERNMENT IN ACCORDANCE WITH THE INDIVIDUAL VALUATION OF THE OBJECT SET OUT IN ANNEX B TO THIS AGREEMENT. IN THE EVENT THAT ANY OBJECT SUFFERS DAMAGE AMOUNTING TO LESS THAN TOTAL LOSS DURING THIS PERIOD, THE UNITED STATES GOVERNMENT SHALL INDEMNIFY THE

CHINESE GOVERNMENT A PERCENTAGE OF THE INDIVIDUAL VALUATION OF THE OBJECT, CORRESPONDING TO THE AMOUNT OF DAMAGE, AS SUCH PERCENTAGE MAY BE AGREED BETWEEN THE TWO GOVERNMENTS. HOWEVER, IN THE EVENT THAT TOTAL LOSS, OR DAMAGE AMOUNTING TO LESS THAN TOTAL LOSS, RESULTS FROM CRASH OF AIRCRAFT, WAR OR WARLIKE OPERATIONS, STRONG EARTHQUAKES, OR OTHER ACTS OF FORCE MAJEURE, INDEMNIFICATION SHALL BE PAID AS CALCULATED ABOVE, BUT BASED ON FIFTY PER CENT OF THE INDIVIDUAL VALUATION OF THE OBJECT SET OUT IN ANNEX B TO THIS AGREEMENT. END UNDERLINE
(BEGIN COMMENT: WE HAVE REWRITTEN POINT SIX TO COVER IMPORTANT ISSUES OMITTED OR ONLY ALLUDED TO IN PRC DRAFT. WE BELIEVE OUR VERSION PROVIDES CHINESE WITH FAR GREATER PROTECTION. UNDER OUR DRAFT OF THIS POINT, LIABILITY WOULD PASS WHEN CARGO LOADED ON AIRCRAFT AT TORONTO. THIS REFLECTS CANADIANS UNDERSTANDING OF THEIR LIABILITY. CONFIDENTIAL

PAGE 05 STATE 120639

OUR LIABILITY WOULD END AS THE OBJECTS ARE UNPACKED IN PEKING AND "HANDED BACK". AS REGARDS PHRASE DEALING WITH FORCE MAJEURE AND SIMILAR ACTS, WE HAVE RECAST PRC'S ENGLISH TRANSLATION BUT SEE NO NEED TO ALTER CHINESE CHARACTER VERSION OF THAT PHRASE AS PRESENTED BY PRC. END COMMENT)

POINT SEVEN: BEGIN UNDERLINE THE PROVISIONS IN THE PRECEDING PARAGRAPH SHALL APPLY, MUTATIS MUTANDIS, (COMMENT JIA BI YAO DE BIAN GENG END COMMENT) TO TOTAL LOSS OR TO DAMAGE AMOUNTING TO LESS THAN TOTAL LOSS WITH RESPECT TO THE AUXILIARY EXHIBITS. END UNDERLINE
POINT EIGHT: THE UNITED STATES GOVERNMENT SHALL BEGIN BRACKET BE RESPONSIBLE FOR THE COSTS OF TRANSPORTATION END BRACKET OF THE EXHIBITS FROM TORONTO TO WASHINGTON, D.C., FROM WASHINGTON, D.C. TO KANSAS CITY, MISSOURI, AND FROM KANSAS CITY, MISSOURI TO PEKING. THE MEANS OF TRANSPORT SHALL BE PROVIDED BY THE UNITED STATES SIDE.

POINT NINE: ANY QUESTIONS OR DISPUTES WHICH MAY ARISE BEGIN UNDERLINE IN CARRYING OUT THE TERMS OF THIS AGREEMENT OR OTHERWISE END UNDERLINE IN CONNECTION WITH BEGIN BRACKET THE HOLDING OF END BRACKET THIS EXHIBITION SHALL BE SETTLED THROUGH CONSULTATIONS BETWEEN THE OFFICIAL ORGANS OF THE TWO BEGIN UNDERLINE SIDES END UNDERLINE.

IF YOUR EXCELLENCY BEGIN BRACKET WOULD KINDLY CONFIRM END BRACKET THE ABOVE-MENTIONED POINTS IN A LETTER OF REPLY, THIS LETTER AND YOUR EXCELLENCY'S REPLY SHALL CONSTITUTE AN AGREEMENT BETWEEN OUR TWO SIDES.

I AVAIL MYSELF OF THIS OPPORTUNITY TO EXPRESS TO YOUR EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

VICE MINISTER OF FOREIGN AFFAIRS

OF THE PEOPLE'S REPUBLIC OF CHINA

5. FOLLOWING IS TEXT OF LETTER OF REPLY FROM CHIEF USLO

BEGIN TEXT EXCELLENCY,

I HAVE THE HONOR TO REFER TO YOUR LETTER OF TODAY'S DATE
CONFIDENTIAL

PAGE 06 STATE 120639

REGARDING THE HOLDING OF "THE EXHIBITION OF ARCHAEOLOGI-
CAL FINDS OF THE PEOPLE'S REPUBLIC OF CHINA" IN THE
UNITED STATES. THIS LETTER READS IN TRANSLATION AS
FOLLOWS:

(REPEAT COMPLETE TEXT OF PRC LETTER)

I AM PLEASED TO CONFIRM THE ABOVE-MENTIONED POINTS AND
TO AGREE THAT YOUR EXCELLENCY'S LETTER AND THIS REPLY
CONSTITUTE AN AGREEMENT BETWEEN OUR TWO SIDES.

I AVAIL MYSELF OF THIS OPPORTUNITY TO EXPRESS TO YOUR
EXCELLENCY THE ASSURANCES OF MY HIGHEST CONSIDERATION.

DAVID BRUCE
CHIEF OF THE LIAISON OFFICE OF THE
UNITED STATES OF AMERICA IN THE
PEOPLE'S REPUBLIC OF CHINA END TEXT KISSINGER

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